

REMARKS

Claims 8-20 have been withdrawn from further consideration. Claims 1-7 are now pending, with claims 1 and 3 being the independent claims. The Specification has been amended to claim priority from U.S. Provisional Application No. 60/276,288 which was filed March 15, 2001. A substitute Declaration is submitted herewith which includes the domestic priority claim. Claim 1 has been amended. Support for the amendment to claim 1 may be found at pg. 4, lines 1-12 of the originally filed specification. Claims 21-24 have been added. No new matter has been added. Reconsideration of the application, as amended, is respectfully requested.

Claims 1-7 stand rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 6,222,919 ("*Hollatz*"). For the reasons which follow, it is respectfully submitted that all claims of the present application are patentable over the cited reference.

Applicant's claimed invention includes a system and method facilitating targeted marketing over a telecommunications network which includes receiving a request (such as a toll free call) from an originating party to a terminating party, determining the identity of the terminating party, determining targeted marketing materials based at least on the identity of the terminating party, and providing the targeted marketing material to the originating party (see pg. 2, lines 22-27 of the originally filed specification).

In contrast, *Hollatz* relates to an automatic call distribution system and method for grouping available agents by individual skills in such a call distributor to expeditiously connect an incoming telephone caller with an available agent having one or more skills deemed useful in handling the specific needs of the caller (see col. 1, lines 7-12).

The Office Action (pg. 3, paragraph 4) states:

Hollatz teaches a method, comprising:

...

determining targeted marketing material based on the identity of the terminating party (e.g., determining an available agent in the group having skill that matches the group skill indicator) (see Abstract; and Figs 1-2; and col. 2, lns 12-24); and

providing the targeted marketing material to the originating party (e.g., providing service to the caller in accordance with the caller's required skill) see Abstract; and Figs 1-2; and col. 2, lns 12-24)

With respect to the foregoing statements, however, Applicants respectfully asserts that *Hollatz* fails to teach the invention recited in amended independent method claim 1. Specifically, *Hollatz* fails to teach the step of "determining at [a] processor targeted marketing material based on the identity of [a] terminating party," as well as the providing step recited in amended claim 1. *Hollatz* (col. 2, lines 13-17) states, "when an incoming call is received by the ACD system of the present invention, computer means identifies a skill, or skills, deemed useful in satisfying the needs of a caller and matches the caller's need to a common agent-skill indicator of one of the skill groups". That is, *Hollatz* teaches matching of a caller to an agent based on the skill level of the agent in providing a service. However, *Hollatz* fails to teach that marketing materials are determined at a processor or provided to an originating party from the processor.

Hollatz (col. 2, lines 17-18) teaches a computer means that groups available agents into skill groups. *Hollatz* (col. 2, lines 19-24) states, "the computer means then checks the matched skill group for an available agent. If an available agent is found, the computer means routes the call to the available agent via connecting means. If no available agents are found, the computer means places the call in queue and waits for an available agent to be placed in the matched skill group". There is nothing here with respect to marketing materials. *Hollatz* only teaches that

agents who are proficient at a particular task are matched with people who require assistance with this particular task from agents who are grouped together based on their common agent-skill.

Hollatz (col. 5, lines 24-26) states, “each skill group 110a, 110b and 110n is comprised of agents having a common agent-skill indicator”. *Hollatz* (col. 5, lines 26-28; Fig. 1) teaches that each of the agents in one skill group 110a have an agent-skill indicator representing that they are fluent in Spanish. *Hollatz* (col. 5, lines 29-30; Fig. 1) teaches that the agents in another skill group 110b are fluent in English and the agents in yet another skill group 110n are fluent in French. Thus, *Hollatz* clearly teaches that the disclosed “skill” is the ability of an agent to perform a specific task, and that calls are routed to agents based on their ability to perform the specific task.

However, *Hollatz* is silent with respect to the steps of “determining at a processor marketing materials” and “providing [those] marketing materials from the processor to an originating party”, as recited in amended independent claim 1. The marketing materials of the claimed invention can comprise a coupon, such as a coupon for a competing airline ticket that is good for any national roundtrip ticket that is booked within the upcoming six months (see pg. 4, lines 8-13 of the originally filed specification). *Hollatz* fails to teach such a claimed concept. In view of the foregoing, Applicants respectfully asserts that amended independent method claim 1 is patentable over *Hollatz*, and therefore reconsideration and withdrawal of the rejection under 35 U.S.C. §102(e) are respectfully requested.

Independent claim 3 is the system in which the method of independent method claim 1 is implemented. Accordingly, independent system claim 3 is patentable over *Hollatz* for the reasons discussed above with respect to independent method claim 1.

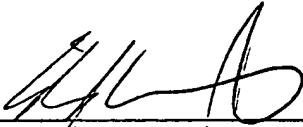
In view of the patentability of independent claims 1 and 3, for the reasons set forth above, dependent claims 2, 4-7 and new claims 21-24 are all patentable over the cited prior art.

Based on the foregoing amendments and remarks, this application should be in condition for allowance. Early passage of this case to issue is respectfully requested.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

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